

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 N/S Cherry Garden Road, 15 ft. * ZONING COMMISSIONER
 E. of Allen Road * OF BALTIMORE COUNTY
 1318 Cherry Garden Road * CASE No. 97-196-A
 15th Election District
 5th Councilmanic District
 Mark Wisniewski, et ux,
 Petitioners

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Mark Wisniewski and Donna Wisniewski, his wife, property owners, for the property known as 1318 Cherry Garden Road in the Cherry Garden subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1B02.3.C.1 and 1B02.3.C.2 of the Baltimore County Zoning Regulations (BCZR) to allow a street side setback of 6 ft., in lieu of the required 25 ft., for an addition, in a D.R. 5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ORDER FOR FILING
 Date 12/3/96
 By M. J. [Signature]

MICROFILMED

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

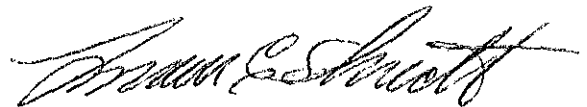
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of December, 1996 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 1B02.3.C.2 of the Baltimore County Zoning Regulations (BCZR) to allow a street side setback of 6 ft., in lieu of the required 25 ft., for an addition, in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with the Department of Environmental Protection and Resource Management recommendations dated November 19, 1996 (copy attached hereto and made a part hereof).

3. The Petitioners shall comply with the Development Plans Review Division recommendations dated November 19, 1996 (copy attached hereto and made a part hereof).



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

OFFICE OF THE ZONING COMMISSIONER
12/3/96
Date
By

RECEIVED
12/3/96

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

November 19, 1996

FROM: R. Bruce Seeley RBS/gp
DEPRM

SUBJECT: Zoning Item #196 - Wisniewski Property
1318 Cherry Garden Road
Zoning Advisory Committee Meeting of November 12, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Ground Water Management

An inspection of the septic system will be required prior to building permit approval. Contact GWM at 887-2762 for more information.

RBS:SA:RP:sp

WISNIEWS/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 19, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 18, 1996
Item No. 196

The Development Plans Review Division has reviewed the subject zoning item. Cherry Garden Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

Allen Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

The proposed addition cannot interfere with the line of sight.

RWB:HJO:jrb

cc: File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 3, 1996

Mr. and Mrs. Mark Wisniewski
1318 Cherry Garden Road
Baltimore, Maryland 21221

RE: Petition for Administrative Variance
Case No. 97-196-A
Property: 1318 Cherry Garden Road

Dear Mr. and Mrs. Wisniewski:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



CRITICAL
AREA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1318 CHERRY GARDEN RD

which is presently zoned D.R.S.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (BC2R) AND 1802.3.C.2 C.V

to allow a STREET SIDE SETBACK OF 6' in lieu of the Required 25'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s).

MARK WISNIEWSKI

(Type or Print Name)

Mark Wisniewski

Signature

Donna Wisniewski

(Type or Print Name)

Donna Wisniewski

Signature

1318 CHERRY GARDEN Rd 410-682-7195 WK
Address Phone No

BALTIMORE MD 21221
City State Zipcode

Name, Address and phone number of representative to be contacted

MARK WISNIEWSKI

Name

1318 CHERRY GARDEN Rd 410-682-7195 WK
Address Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: CAM

DATE: 28 Nov 96

ESTIMATED POSTING DATE: 10 Nov 96



Printed with Soybean Ink
on Recycled Paper

ITEM #: 196

MICROFILMED

JAN 17 1995
4394

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at _____
address

City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

(signature)

(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this _____ day of _____, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

date

NOTARY PUBLIC

My Commission Expires:

We purchased our 2 bedroom and den home in 1989. At that time it was just my wife and I. Soon after our daughter was born and we had sufficient room for our family. 18 months ago , to our surprise , twin boys were born. We are now out of room. The boys share a very small room with no closet at the present time. Our daughter has the den, which has a closet that the 3 of them share.

We are in desperate need of more room. Our house has no closet space to talk of other than the one in our bedroom and the one in our daughters room. The living quarters are very cramped and the children play in the living room since we don't have a basement.

It would cause us severe hardship at this time to purchase a new home in order to give my family the adequate living space it needs. We love our neighborhood and feel it offers a great community environment for the upbringing of our children.

We have outgrown the space that we have and would like to add a family room, a bedroom and additional closets. When we purchased the house there was an existing foundation on the end of it. We do not know the reason for it but, wish to make use of it. We can not build up due to vaulted ceilings in 2 rooms that will not permit a second floor and we can't build out back any further due to a large maple tree.

So consequently , adding this space will alleviate any additional burden that my family may incur. Please take this into consideration as you review my petition.

Thank you.

Description of the Property

Beginning at a point North on Cherry Garden Rd. which is 30 feet wide for a distance of 15 feet East from Allen Rd. which is 30 feet wide being Lot # 43 in the Sub Division Cherry Gardens as recorded in Baltimore Co. Plat Book #12 Folio #39 Containing 10,350 sq. feet as 1318 Cherry Garden Rd. Located in the 15th Election District , #5 Councilmanic District.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 196

Petitioner: MARK WISNIEWSKI

Location: 1318 CHERRY GARDEN Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARK WISNIEWSKI

ADDRESS: 1318 CHERRY GARDEN Rd.
BALTI MD 21221

PHONE NUMBER: 410-686-6242

AJ:ggs

(Revised 09/24/96)

MICROFILMED



CERTIFICATE OF POSTING

RE: Case No.: 97-196-A

Petitioner/Developer: Mr. Mark
Wisniewski

Date of Hearing/Closing: Nov 25

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 1318 Cherry

Garden Rd., Baltimore, MD 21221

The sign(s) were posted on

Nov, 10, 1996
(Month, Day, Year)

Sincerely,

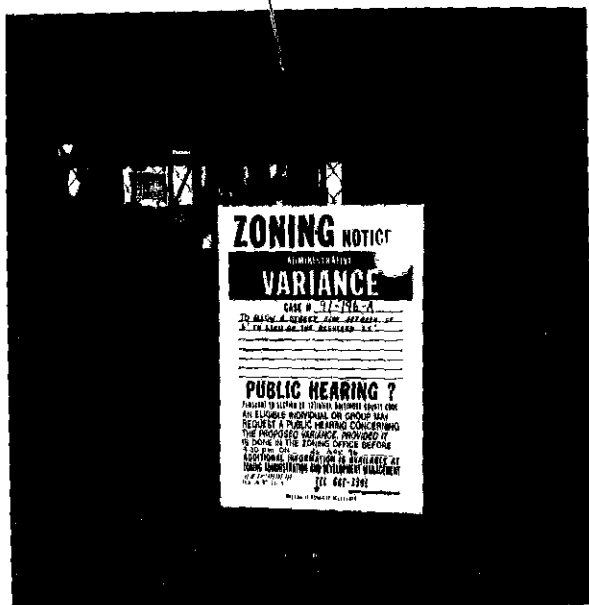
Sue W. McKenzie
(Signature of Sign Poster and Date)

Sue W McKenzie
(Printed Name)

6 Topwood Ct
(Address)

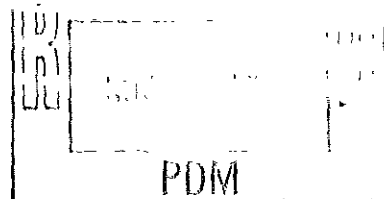
Baltimore, MD 21234
(City, State, Zip Code)

(410) 668-8571
(Telephone Number)



97-196-A

ENCLOSURE



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 10 Nov 96.

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-196-A

To Allow A STREET SIDE SETBACK
OF 6' in lieu of the Required 25'

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

25 Nov 96

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 8, 1996

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-196-A (Item 196)
1318 Cherry Garden Road
N/S Cherry Garden Road, 15' E Allen Road
15th Election District - 5th Councilmanic
Legal Owner(s): Mark and Donna Wisniewski
Post by Date: 11/10/96
Closing Date: 11/25/96

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Mark and Donna Wisniewski





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 27, 1996

Mr. and Mrs. Mark Wisniewski
1318 Cherry Garden Road
Baltimore, MD 21221

RE: Item No.: 196
Case No.: 97-196-A
Petitioner: Mark Wisniewski, et ux

Dear Mr. and Mrs. Wisniewski:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 19, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 18, 1996
Item No. 196

The Development Plans Review Division has reviewed the subject zoning item. Cherry Garden Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

Allen Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

The proposed addition cannot interfere with the line of sight.

RWB:HJO:jrb

cc: File

ZONE37A

UNRECORDED

BALTIMORE COUNTY, MARYLAND

November 19, 1996

SUBJECT: Zoning Item #196 - Wisniewski Property
1318 Cherry Garden Road
Zoning Advisory Committee Meeting of November 12, 1996

Environmental Impact Review

Ground Water Management

RBS:SA:RP:sp

WISNIEWS/DEPRM/TXTSBP

1. *Chrysomelidae* (10 species)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11-8-96
Item No. 136 (CAM)

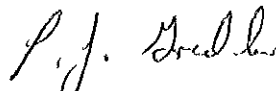
Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 8, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 198, 199 and 202

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

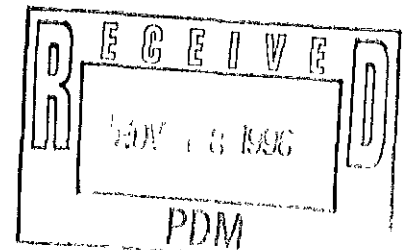
Carol L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500



Office of the Fire Marshal
(410) 887-4880

DATE: 11/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 196, 197, 198, 199, 200, 201,
202 AND 203.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

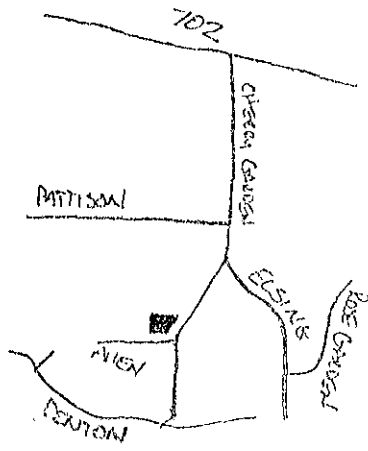
WICHTER, J. M.

☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CHEEKY GARDENS

OWNER: MARK WISNIEWSKI



North
Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Election District: 15

Councilman District: 5

1"=200' scale map#:

Zoning: D.R. - S.S.

Lot size: _____ acreage
10,350 square feet

NOT A FLOOD PLAIN

SEWER: ☐ public ☒ private

WATER: ☒ public ☐ private

Cheesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

2020年12月

Zoning Office USE ONLY:

reviewed by:	ITEM #:	CASE#:

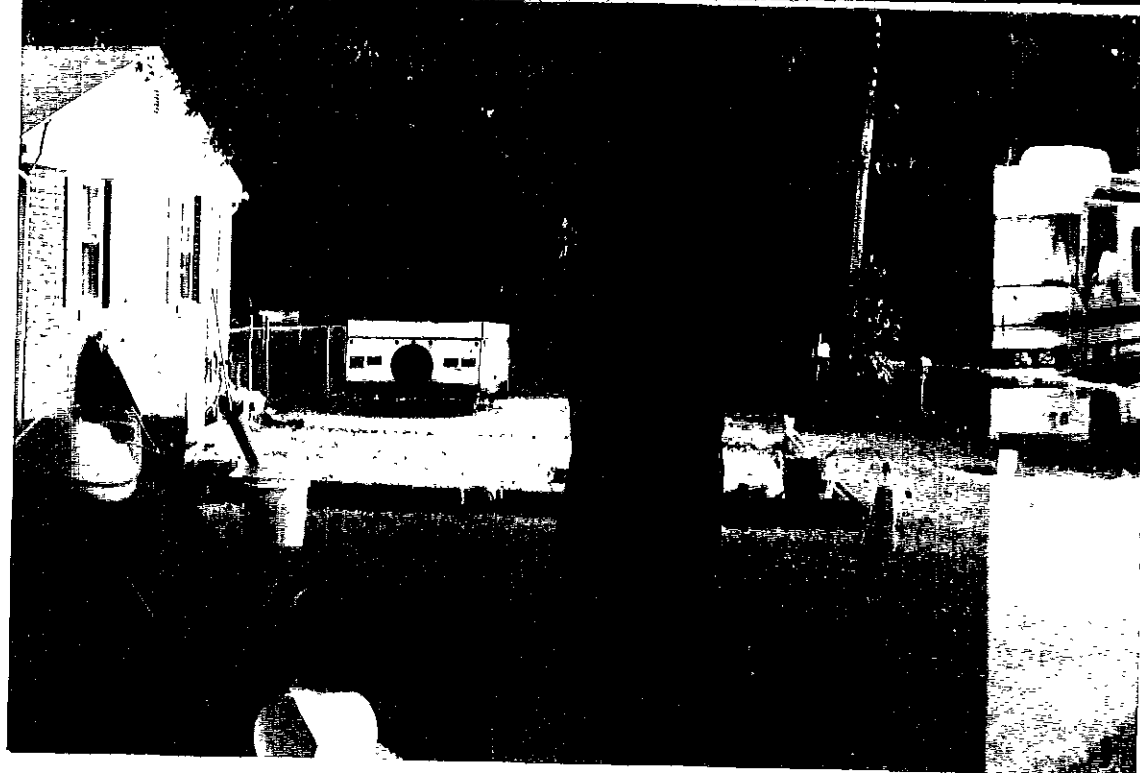
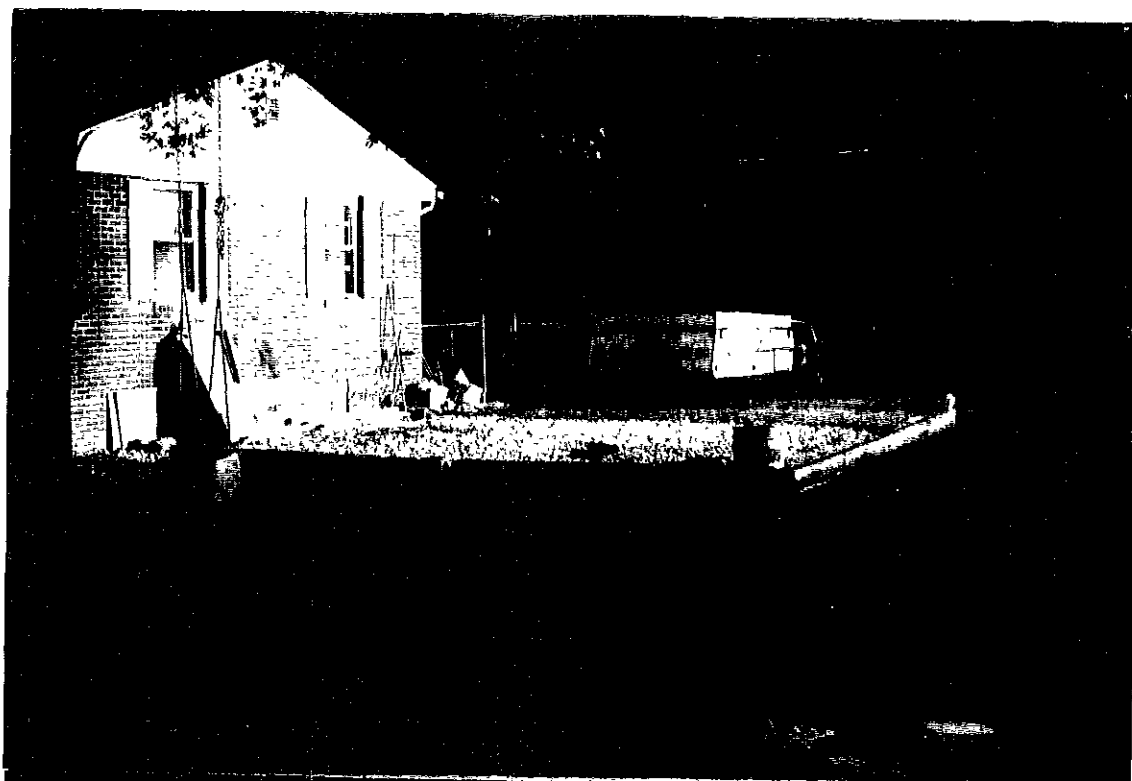
Scale of Drawing: 1" = 50'

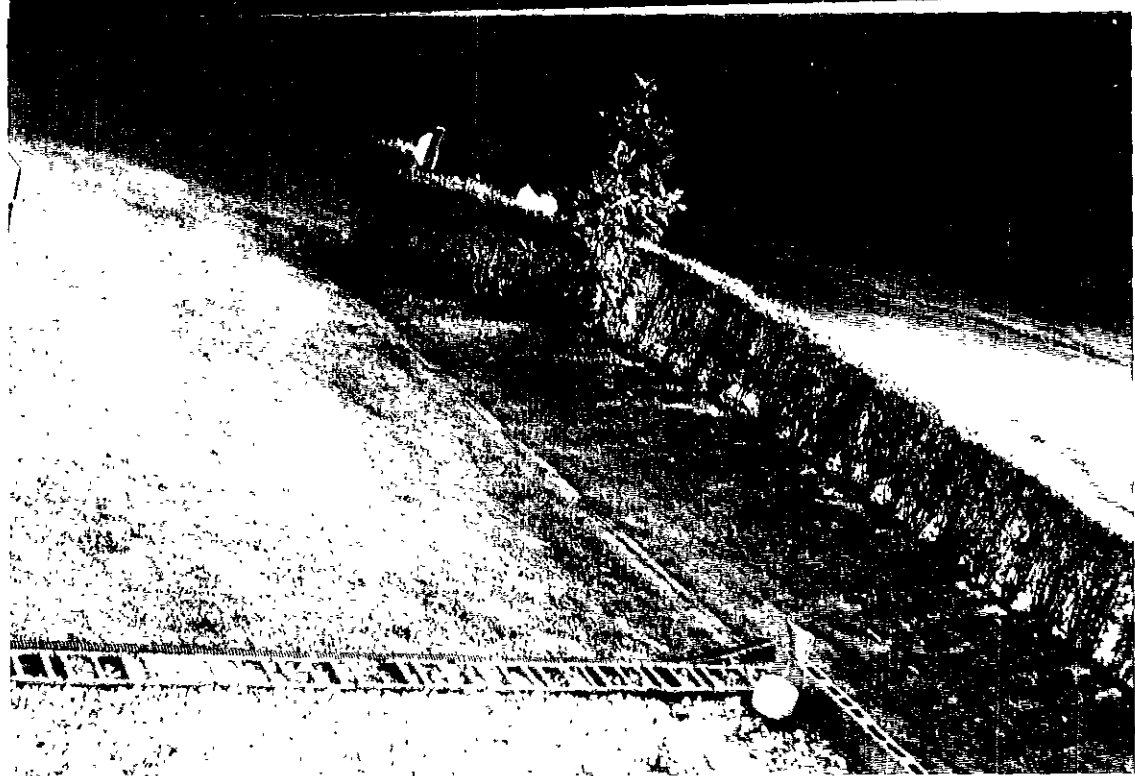
1997-1998

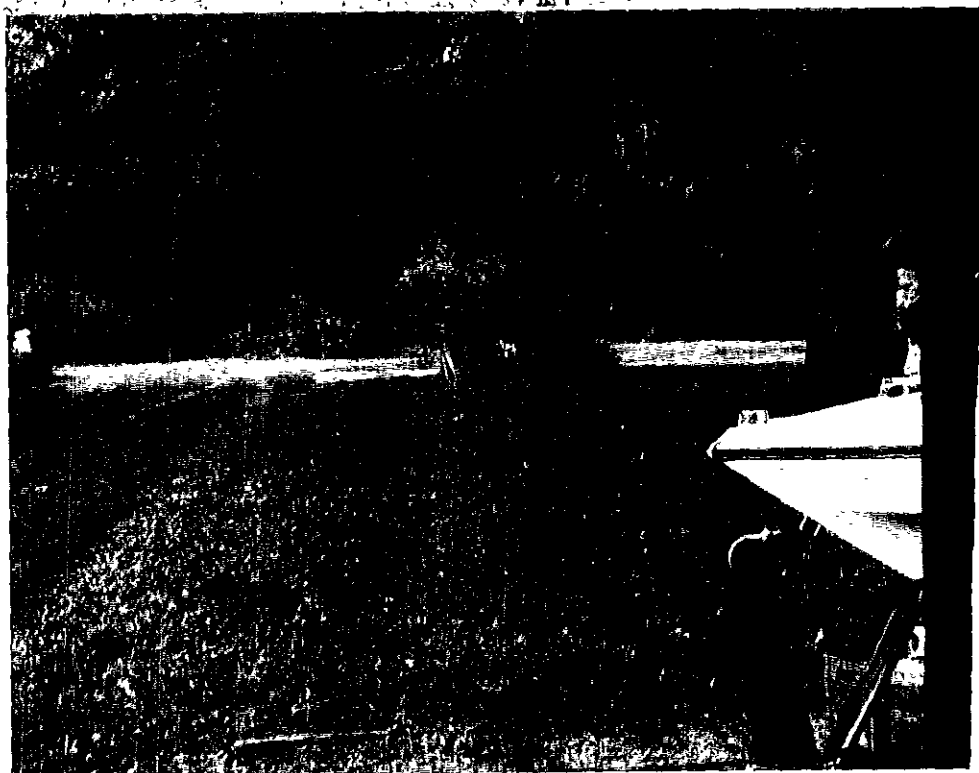
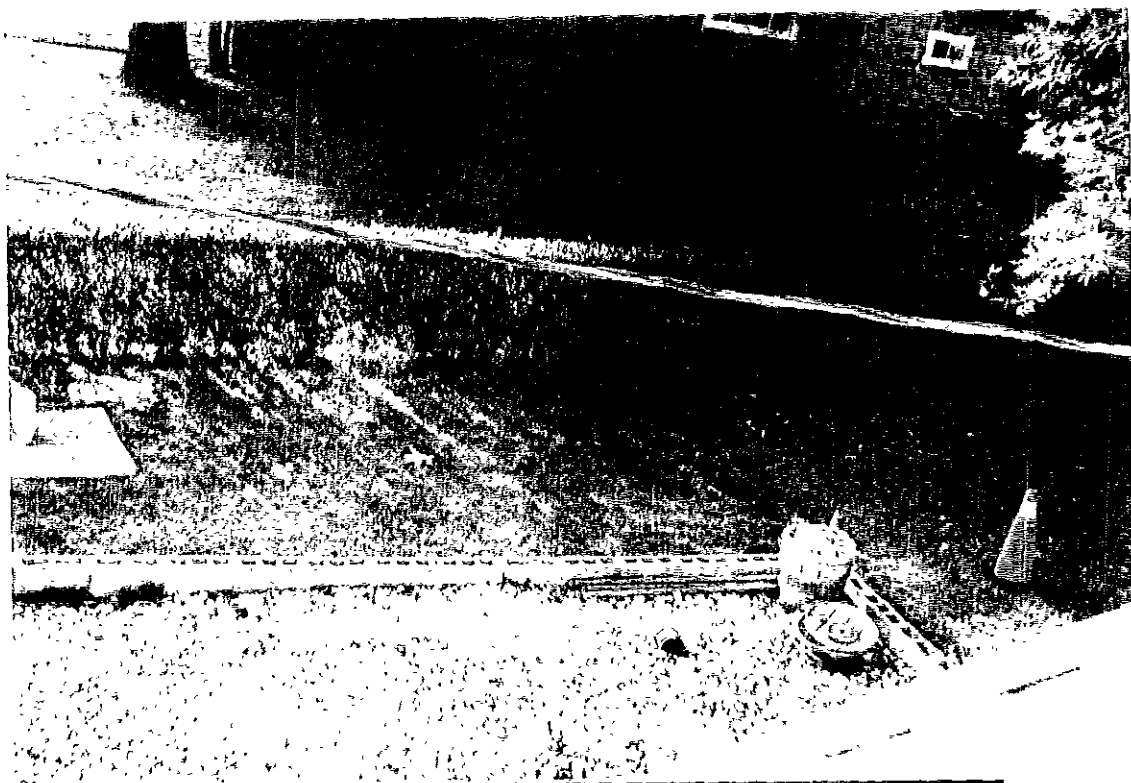
prepared by: MARK WISNIEWSKI

Scale of Drawing: $1'' = 50'$

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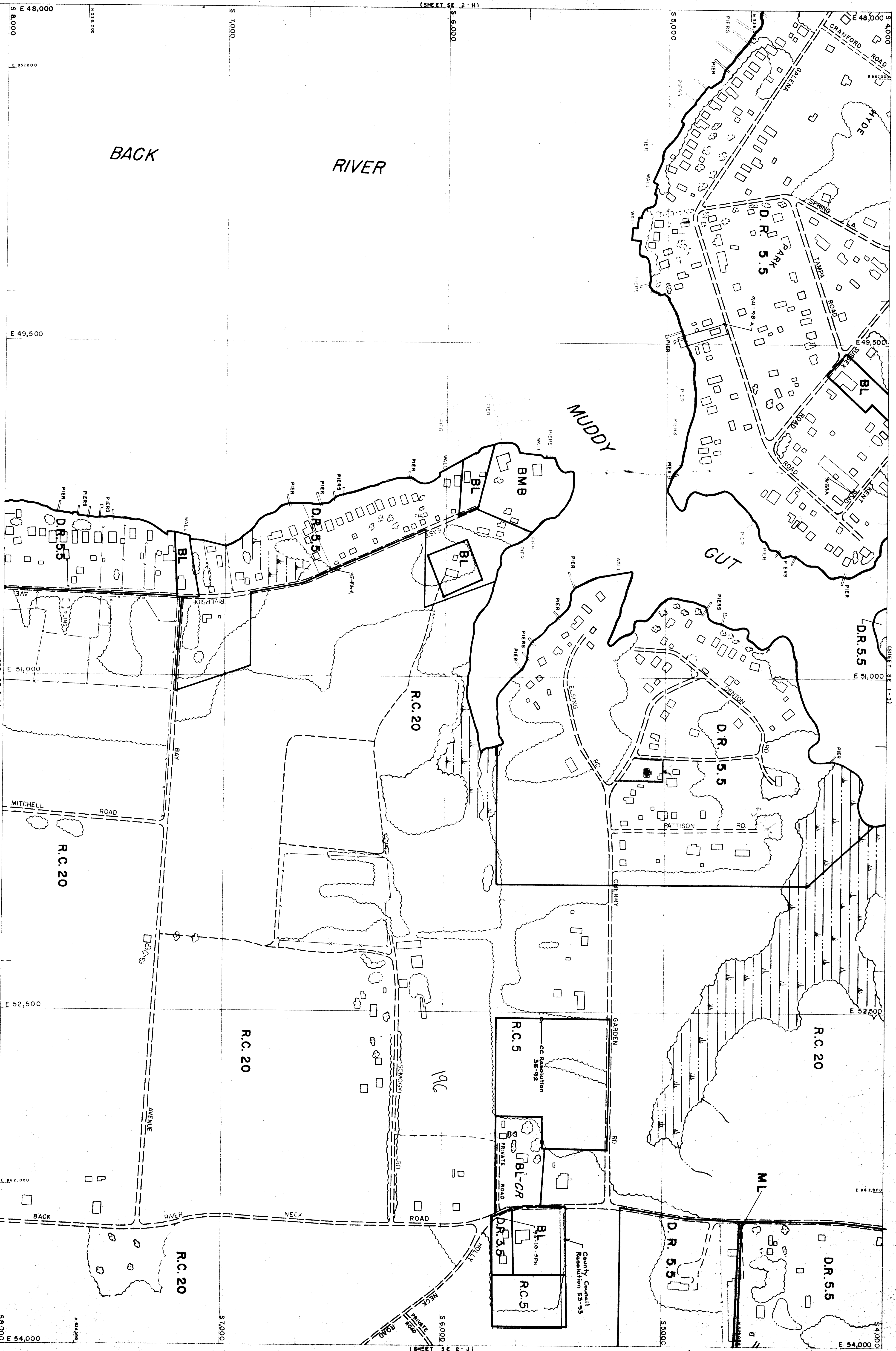






BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	2-1



THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92

William H. Hunsicker
Chairman, County Council

SCALE	DATE OF PHOTOGRAPHY	LOCATION	SHEET
1" = 200' ±	JANUARY 1986	BACK RIVER NECK	S.E. 2-1

MICROFILMED